

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-642

Appellant(s): John Grandfield, Esq. vz. Appellee(s): City/Town of Boston
William Good

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 113 and 118.1, for 80 Joyce Kilmer Road, West Roxbury, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 2, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

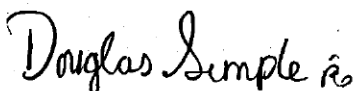
John Grandfield, an attorney, testified for property owner, Christine Kenney who also was present. Gary Moccia and John Kennedy from Boston ISD were present as well.

Discussion

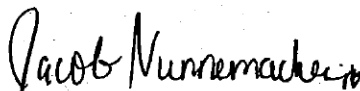
Based on testimony presented to the Board it became evident that the Board and Boston ISD were in clear agreement that the matter before the Board involved a property line dispute between abutters. Based on this fact a motion was made to grant the Appellant's request for a variance from 780 CMR 113 and 118.1, and dismiss the Boston ISD Violation Number V000046-2009 because the Board, and 780 CMR, has no jurisdiction regarding land or property line issues. The appellant was directed to resolve the dispute in land court. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

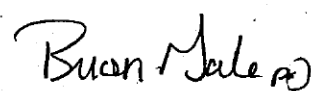
The Appellant's request for a variance from 780 CMR 113 and 118.1, is hereby granted and so ordered² on this date: October 2, 2008.



Douglas Semple



Jacob Nunnemacher



Brian Gale

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.